

**Law Office of Robert T. Bean**  
**3033 Brighton 3<sup>rd</sup> Street**  
**Brooklyn, New York 11235**  
**718-616-1414**

Cell Phone: 484-838-9464  
E-Mail: [RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Fax: 718-368-0981

Of Counsel for  
Tanya Gendelman, P. C.

3-30-16

Via ECF

Hon. A. Kathleen Tomlinson  
United States Magistrate Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722-9014

Re: Weinstein v. Krumpter et al  
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Judge Tomlinson,

I write to request an extension of the March 31, 2016 discovery deadline to a later date or in the alternative as a Letter Motion for Sanctions. I am cognizant of your Docket Text Order dated 2-9-16 wherein our previous Request for Extension (D.I. 35) of the discovery deadline was granted but which stated:

**"In light of its contents, the motion is GRANTED, however the parties are on notice that the Court does not intend to grant any further extensions going forward".**

I bring this matter to the Court's attention pursuant to your Civil Conference Order (D.I. 27) dated 8-27-15, paragraph 1 which states:

**"Rather, if a party is unable to comply with a discovery deadline, he or she must bring the issue to the Court's attention prior to the expiration of the deadline and ask for an extension, providing the "good cause" reason why the extension is necessary".**

Plaintiff has made every reasonable effort to complete discovery prior to the discovery deadline but has been prevented from doing so by the Defendants. Defendants Krumpter, Commissioner of Police and Skrynecki, Chief of Police and Cappy, handgun license investigator, have failed to appear for depositions despite to Notices of Deposition served on Defendants' counsel (Ex. 1), numerous letters (Ex. 2) and e-mails (Ex.3) requesting scheduling said depositions. In addition Plaintiff offered a stipulation (Ex.4) eliminating the necessity of the depositions of Krumpter and Skrynecki (as policy makers as noted in D.I. 27 ¶ 6) and was lead to believe Defendants would agree to said stipulation. On Friday March 25, 2016 I was advised by e-mail that the Defendant County would not agree to sign the stipulation. Plaintiff then revised

the language of the stipulation to address the Defendants' concerns (Ex. 5) and advised Defendants that if the stipulation was not signed Plaintiff needed to go forward with the aforesaid depositions as Noticed. On Tuesday of this week, March 29, I was advised by Mr. Reissman that the Defendants would not be appearing as noticed on March 30, 2016, leaving me with no alternative but to file this letter motion.

If the Court denies this motion for extension of time, then Plaintiff moves the Court to sanction the defendants by either:

1. Striking their Answers;
2. Or by finding that Plaintiff has met his burden of proof regarding his *Monell* Claim in that all actions complained of in his Second Amended Complaint were carried out pursuant to policies promulgated and approved by the highest authorities of Nassau County and the Nassau County Police Department and such authority had actual knowledge of how the policies were actually carried out;
3. And that Plaintiff was not provided with a "prompt post-deprivation hearing" by an impartial decision maker as required by *Razzano*.

As a note, Plaintiff's Second Motion to Compel Discovery concerning these same issues is still pending before the Court.

Because of the time constraints I was not able to serve a good faith letter regarding the Sanctions portion of this motion, as per Local Rule 37.3, but the numerous letters and e-mails regarding defendants' depositions should serve as the same.

Sincerely,



Robert T. Bean

Via ECF and E-Mail  
Carnell T. Foskey  
Nassau County Attorney  
Attn. Ralph Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566



# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

**MARC W. WEINSTEIN,**

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police  
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**NOTICE OF DEPOSITION  
OF DEFENDANT THOMAS  
C. KRUMPTER**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**JAMES B. MALONE, Police Officer, First  
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First  
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and  
Investigator, Nassau County Police  
Department, Pistol License Section,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

Jury Trial Demanded

and

**COUNTY OF NASSAU**

Defendants

---

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, by Marc Weinstein, by and through his attorneys, demanding that Defendant

**THOMAS C. KRUMPTER** appear on March 30 at 10:00 a.m. at the Nassau County Attorneys' Office, 1 West Street, Mineola, New York 11501 to testify by deposition in the above styled action. The deposition shall commence at the designated date and time and, unless otherwise agreed or ordered by the Court, shall continue from day to day until concluded. The deposition will be videotaped and/or stenographically recorded by a person authorized by law to administer oaths.

The witness is to bring and produce the following documents:

All notes, records, orders, regulations and procedures regarding the confiscation of the firearms of plaintiff Marc Weinstein and investigation concerning same.

All parties are invited to attend.

Dated: March 22, 2016  
Brooklyn, New York

LAW OFFICE OF ROBERT T. BEAN

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*



**CERTIFICATE OF SERVICE**

I, Robert T. Bean, an attorney, hereby certify that on February 9, 2016, a copy of the foregoing **NOTICE OF SUBPOENA** was delivered by electronic and overnight mail to the persons identified below:

Dated: March 22, 2016  
Brooklyn, New York

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*

To: Carnell T. Foskey, Nassau County Attorney  
R. Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566  
e-mail: rreisman@nassaucounty.ny.gov

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

**MARC W. WEINSTEIN,**

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police  
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**NOTICE OF DEPOSITION  
OF DEFENDANT STEVEN  
E. SKRYNECKI**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**JAMES B. MALONE, Police Officer, First  
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First  
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and  
Investigator, Nassau County Police  
Department, Pistol License Section,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

Jury Trial Demanded

**and**

**COUNTY OF NASSAU**

Defendants

---

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, by Marc Weinstein, by and through his attorneys, demanding that Defendant

STEVEN C. SKRYNECKI appear on March 30 at 12:00 noon at the Nassau County Attorneys' Office, 1 West Street, Mineola, New York 11501 to testify by deposition in the above styled action. The deposition shall commence at the designated date and time and, unless otherwise agreed or ordered by the Court, shall continue from day to day until concluded. The deposition will be videotaped and/or stenographically recorded by a person authorized by law to administer oaths.

The witness is to bring and produce the following documents:

All notes, records, orders, regulations and procedures regarding the confiscation of the firearms of plaintiff Marc Weinstein and investigation concerning same.

All parties are invited to attend.

Dated: March 22, 2016  
Brooklyn, New York

LAW OFFICE OF ROBERT T. BEAN

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*



**CERTIFICATE OF SERVICE**

I, Robert T. Bean, an attorney, hereby certify that on February 9, 2016, a copy of the foregoing **NOTICE OF SUBPOENA** was delivered by electronic and overnight mail to the persons identified below:

Dated: March 22, 2016  
Brooklyn, New York

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*

To: Carnell T. Foskey, Nassau County Attorney  
R. Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566  
e-mail: rreisman@nassaucounty.ny.gov

## EXHIBIT 2

**Law Office of Robert T. Bean**  
**3033 Brighton 3<sup>rd</sup> Street**  
**Brooklyn, New York 11235**  
**718-616-1414**

Cell Phone: 484-838-9464  
E-Mail: [RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

**Fax: 718-368-0981**

Of Counsel for  
Tanya Gendelman, P. C.

12-18-15

Carnell T. Foskey  
Nassau County Attorney  
Attn. Ralph Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566

Re: Weinstein v. Krumpter et al  
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Mr. Reissman,

We have a discovery deadline of February 22, 2015 so we need to schedule depositions in this matter. I assume you need the deposition of the Plaintiff. I believe I can produce his son Abraham but I don't know about the wife as they are separated at this time.

I am requesting the depositions of Officer James Malone, Daniel Flanagan, First Precinct Commander, Steven Skynecki, Chief of Police, Thomas Krumpter, Commissioner of Police and John Gisondi. Gisondi is not a party so if you need me to issue a subpoena for him, let me know.

I would like to schedule these in the first part of January 2016. As previously discussed, we can do these at your office. I will be out of town, February 1- 7, 2016. Please call so these can be scheduled.

Sincerely,

/S/  
\_\_\_\_\_  
Robert T. Bean



**Law Office of Robert T. Bean**  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
718-616-1414

Cell Phone: 484-838-9464  
E-Mail: [RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Fax: 718-368-0981

Of Counsel for  
Tanya Gendelman, P. C.

2-9-16

Carnell T. Foskey  
Nassau County Attorney  
Attn. Ralph Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566

Re: Weinstein v. Krumpter et al  
Docket No.: CV 14-7210 (ADS) (AKT)

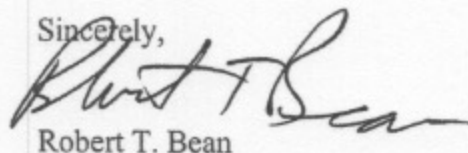
Dear Mr. Reissman,

As per our conversation, I filed by EFC our request to extend the discovery deadline. Since I do not know if the request will be granted, out of an abundance of caution, I am hereby serving on you Notices of Depositions pursuant to Rule 30. All are to be taken at your office on February 22, 2016. Malone at 10:00 a.m., Flanagan at 12:00 noon and Gisondi at 2:00 p.m. I have issued the attached subpoena for Gisondi.

I have enquired and will have the address where Zoila E. Watson-Weinstein (the wife) can be served. I will forward same to you as soon as I can.

**If the extension of the discovery deadline is granted** we will produce the plaintiff Marc Weinstein for his deposition at your office on March 22, 2016 at 10:00 a.m. and non-party Abraham Weinstein at 12:00 noon that day as agreed. I further understand that the deposition of the non-party Gisondi will be scheduled for March 7, 2016 at your office and the non-party Zoila E. Watson-Weinstein on March 24, at your office with the parties Malone and Fanagan to be taken at your office on the 24<sup>th</sup> and/or the 25<sup>th</sup> of March.

Sincerely,



Robert T. Bean

**Law Office of Robert T. Bean**  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
718-616-1414

Cell Phone: 484-838-9464  
E-Mail: [RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Fax: 718-368-0981

Of Counsel for  
Tanya Gendelman, P. C.

3-3-16

Carnell T. Foskey  
Nassau County Attorney  
Attn. Ralph Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566

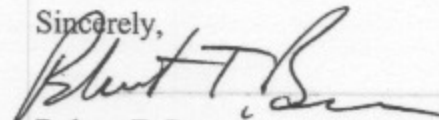
Re: Weinstein v. Krumpter et al  
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Mr. Reissman,

As you will recall, I stated that Plaintiff can waive the depositions of Krumpter and Skrynecki if you can sign the stipulation re "Monell". If you cannot so stipulate, I will need their depositions. I have determined that the deposition of defendant Paul Cappy of the Pistol Licensing Division is necessary. The discovery deadline is March 31, 2016. I have available the dates of March 11 in the afternoon, the 17, 18, 21, 24 and the afternoon of the 25 for these depositions. Please give me a call so we can schedule these depositions. If you cannot agree, then I will have to file Notices of Depositions, but I will do so for your office as opposed to mine in Brooklyn for your convenience.

If you can forward the signed stipulation I can forgo the Notices re Krumpter and Skrynecki. Let me know.

Sincerely,

  
Robert T. Bean



**Law Office of Robert T. Bean**  
**3033 Brighton 3<sup>rd</sup> Street**  
**Brooklyn, New York 11235**  
**718-616-1414**

Cell Phone: 484-838-9464  
E-Mail: [RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Fax: 718-368-0981

Of Counsel for  
Tanya Gendelman, P. C.

March 29, 2016

Carnell T. Foskey  
Nassau County Attorney  
Attn. Ralph Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566

Re: Weinstein v. Krumpter et al  
Docket No.: CV 14-7210 (ADS) (AKT)

Dear Mr. Reissman,

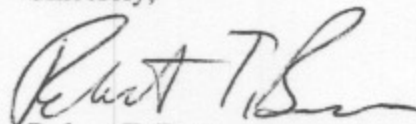
This will confirm our conversation today that you will not have Defendants Krumpter, Skrynecki and Cappy at your office tomorrow in compliance with Plaintiff's Notice of Depositions sent to you on March 22, 2016. This is to further confirm that my revised proposed stipulation which will dispense with the necessity of Krumpter's and Skrynecki's deposition is being considered by Nassau County.

This letter is to further confirm that I wrote to you on December 18, 2015 concerning these depositions and again on February 2, 2016 including Notices at that time. We agreed to do the depositions on different dates. On February 12, 2016 my original proposed stipulation was sent to you. On March 3, 2016 another letter was sent rescheduling the depositions. On March 23, 2016 the proposed stipulation was resent to you. Yesterday I sent the revised stipulation.

In absence of the stipulation Plaintiff is not waiving the depositions of the above named defendants and will take appropriate measures if they are not produced. However, I will work with you to depose these defendants after the March 31, 2016 discovery deadline.

Also find enclosed Plaintiff's Supplement to the Initial Disclosures.

Sincerely,

  
Robert T. Bean



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

**MARC W. WEINSTEIN,**

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police  
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**NOTICE OF DEPOSITION  
OF DEFENDANT PAUL  
CAPPY**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**JAMES B. MALONE, Police Officer, First  
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First  
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and  
Investigator, Nassau County Police  
Department, Pistol License Section,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

Jury Trial Demanded

and

**COUNTY OF NASSAU**

Defendants

---

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, by Marc Weinstein, by and through his attorneys, demanding that Defendant **PAUL**

**CAPPY** appear on March 30 at 2:00 p.m. at the Nassau County Attorneys' Office, 1 West Street, Mineola, New York 11501 to testify by deposition in the above styled action. The deposition shall commence at the designated date and time and, unless otherwise agreed or ordered by the Court, shall continue from day to day until concluded. The deposition will be videotaped and/or stenographically recorded by a person authorized by law to administer oaths.

The witness is to bring and produce the following documents:

All notes, records, orders, regulations and procedures regarding the suspension of the pistol license and confiscation of the firearms of plaintiff Marc Weinstein and investigation concerning same.

All parties are invited to attend.

Dated: March 22, 2016  
Brooklyn, New York

LAW OFFICE OF ROBERT T. BEAN

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*

**CERTIFICATE OF SERVICE**

I, Robert T. Bean, an attorney, hereby certify that on February 9, 2016, a copy of the foregoing **NOTICE OF SUBPOENA** was delivered by electronic and overnight mail to the persons identified below:

Dated: March 22, 2016  
Brooklyn, New York

By /S/  
Robert T. Bean, Esq.  
3033 Brighton 3<sup>rd</sup> Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
*Attorneys for Marc Weinstein*

To: Carnell T. Foskey, Nassau County Attorney  
R. Reissman  
Deputy Nassau County Attorney  
One West Street  
Mineola, New York 11566  
e-mail: rreisman@nassaucounty.ny.gov



## EXHIBIT 3

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Weinstein										

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**Weinstein v. Nassau Co.**From **Robert Bean** rbeanlaw@aol.com [hide details](#)

Fri, Dec 18,

To **rreissman** rreissman@nassaucountyny.govCc **chris** chris@wesettle.com

Depo ltr. pdf (110 KB)

Ralph,

Please find attached re scheduling depositions. Thanks.

Robert

Law Office of  
 Robert T Bean  
 3033 Brighton 3rd Street  
 Brooklyn, New York 11235  
 Ph: 718-616-1414  
 Fax: 718-368-0981  
 Cell: 484-838-9464  
[RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

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**Weinstein v. Kurmpter et al**

Contacts

**Robert Bean** to you (Bcc) + 1 more [show details](#)

Calendar

Depo ltr 2 signed.pdf (487 KB)

Malone Depo Notice signed.pdf (1.0 MB)

Flanagan Depo Notice signed.pdf (1.0 MB)

My Folders

Gisondi Depo Notice signed.pdf (1.0 MB)

Gisondi Subpoena - signed.pdf (2.0 MB)

Saved Mail

0

Saved Chats

Carroll

Ralph,

Please find attached Notices of Depositions in this matter. These are sent to CMA. If the Judge grants the extension we will go with the we agree upon. If not we will have to do the depos as noticed. I will produce the plaintiff and Abraham Weinstein on or before the 22th if necessary.

Deleted Me...

Robert Bean

Kao e-mails

Law Office of  
Robert T Bean  
3033 Brighton 3rd Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
Fax: 718-368-0981  
Cell: 484-838-9464  
[RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Kofman

Notes

Ruth Monu...

Sandra Be...

1

Sent Messa...

SLC file

Weinstein



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**Weinstein v. Krumpster**

Contacts

**Robert Bean** to you (Bcc) + 1 more [show details](#)

Calendar

Notice of Depo Cappy.pdf (108 KB)

Notice of Depo Krumpster.pdf (108 KB)

Notice of Depo Skrynecki.pdf (108 KB)

My Folders

Ralph,

Saved Mail

6

I have not heard from you regarding scheduling the depositions of Defendants Krumpster, Skrynecki and Cappy. Please find Depositions for your office on March 30, 2016.

Saved Chats

Robert Bean

Carroll

Law Office of  
Robert T Bean  
3033 Brighton 3rd Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
Fax: 718-368-0981  
Cell: 484-838-9464  
[RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

Deleted Me...

Kao e-mails

Kofman

Notes

Ruth Monu...

Sandra Be...

Sent Messa...

SLC file

Weinstein

Ralph,

We don't have time for a Notice to Admit per the rules as you have 30 days to respond. The discovery deadline is March 31. I have revised the Stipulation and deleted the reference to meeting our burden of proof and replaced with it is evidence regarding our *Monell* claim. If you can sign this that will settle the matter of the depositions of the Chief and Commissioner. If you can't sign, I expect all named defendant's Noticed for Depositions at your office on March 30, 2016 to be produced. Let me know.

Robert Bean

Law Office of  
Robert T Bean  
3033 Brighton 3rd Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
Fax: 718-368-0981  
Cell: 484-838-9464  
[RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

-----Original Message-----

From: Reissman, Ralph J <[RReissman@nassaucountyny.gov](mailto:RReissman@nassaucountyny.gov)>  
To: 'Robert Bean' <[rbeanlaw@aol.com](mailto:rbeanlaw@aol.com)>  
Sent: Fri, Mar 25, 2016 4:46 pm  
Subject: RE: Stipulation on Monell

OK, have a good weekend.

**RALPH J. REISSMAN**  
Deputy County Attorney  
Nassau County Attorney's Office  
1 West Street  
Mineola, NY 11501

Tel. (516) 571-3046  
Fax (516) 571-3058

**From:** Robert Bean [<mailto:rbeanlaw@aol.com>]  
**Sent:** Friday, March 25, 2016 3:59 PM  
**To:** Reissman, Ralph J  
**Subject:** Re: Stipulation on Monell

Ralph,

I got your e-mail but I'm under a deadline, also in Federal Court for a Monday filing. I can't get to this until Tuesday.

Robert Bean



Law Office of  
Robert T Bean  
3033 Brighton 3rd Street  
Brooklyn, New York 11235  
Ph: 718-616-1414  
Fax: 718-368-0981  
Cell: 484-838-9464  
[RBeanlaw@aol.com](mailto:RBeanlaw@aol.com)

-----Original Message-----

From: Reissman, Ralph J <[RReissman@nassaucountyny.gov](mailto:RReissman@nassaucountyny.gov)>  
To: 'Robert Bean' <[rbeanlaw@aol.com](mailto:rbeanlaw@aol.com)>  
Sent: Fri, Mar 25, 2016 3:32 pm  
Subject: Stipulation on Monell

Robert, upon review with my clients, we are not comfortable with signing the Stipulation. However, if you want to draft a Notice to Admit per Fed. R. Civ. P. 36 as to FACTS, I will review it. But the phrase about plaintiff "meeting his burden of proof" is not a statement of fact, so please do not include it.  
Thank you.

*RALPH J. REISSMAN*  
Deputy County Attorney  
Nassau County Attorney's Office  
1 West Street  
Mineola, NY 11501

Tel. (516) 571-3046  
Fax (516) 571-3058

# EXHIBIT 4

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

**MARC W. WEINSTEIN,**

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police  
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**JAMES B. MALONE, Police Officer, First  
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First  
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and  
Investigator, Nassau County Police  
Department, Pistol License Section,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

**and**

**COUNTY OF NASSAU**

Defendants

---

**STIPULATION  
REGARDING MONELL  
CLAIM**

Jury Trial Demanded

IT IS HEREBY STIPULATED by the parties hereto that all actions by the Defendants both police officers and administrators, complained of by Plaintiff, were done pursuant to and in



in accordance with procedures, rules and regulations promulgated by and/or approved by the highest levels of authority of the Nassau County Police Department and Nassau County, New York and those authorities are familiar with and have knowledge of how those procedures, rules and regulations are actually carried out and applied in this case and Nassau County in general.

As such, by this stipulation, plaintiff has met his burden of proof regarding the application of *Monell v. Dept of Social Services of the City of New York*, 436 U.S. 658 (1978) to this case. Therefore the depositions of Defendants THOMAS C. KRUMPTER, Acting Police Commissioner and STEVEN E. SKRYNECKI, Chief of Department are not necessary and are hereby waived by Plaintiffs.

Dated: February 12, 2016  
Brooklyn, New York

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## EXHIBIT 5

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**MARC W. WEINSTEIN,**

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 – 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police  
Comissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of  
Department, Nassau County Police  
Department,**

**DANIEL P. FLANAGAN, Commanding  
Officer, First Precinct, Nassau County Police  
Department,**

**JAMES B. MALONE, Police Officer, First  
Precinct, Nassau County Police Department**

**JOHN DOES I –IV, Police Officers, First  
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and  
Investigator, Nassau County Police  
Department, Pistol License Section,**

**NASSAU COUNTY POLICE  
DEPARTMENT,**

**and**

**COUNTY OF NASSAU**

Defendants

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**STIPULATION  
REGARDING MONELL  
CLAIM**

Jury Trial Demanded

IT IS HEREBY STIPULATED by the parties hereto that all actions by the Defendants both police officers and administrators, complained of by Plaintiff, were done pursuant to and in



in accordance with procedures, rules and regulations promulgated by and/or approved by the highest levels of authority of the Nassau County Police Department and Nassau County, New York and those authorities are familiar with and have knowledge of how those procedures, rules and regulations are actually carried out and applied in this case and Nassau County in general.

As such, this stipulation shall be deemed evidence regarding the application of *Monell v. Dept of Social Services of the City of New York*, 436 U.S. 658 (1978) to this case. Therefore the depositions of Defendants THOMAS C. KRUMPTER, Acting Police Commissioner and STEVEN E. SKRYNECKI, Chief of Department are not necessary and are hereby waived by Plaintiffs.

Dated: March 28, 2016  
Brooklyn, New York

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